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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

Federal Communications Commission  
Office of the Secretary

In re Applications of  
WHITE BROADCASTING PARTNERSHIP  
et al.

MM DOCKET NO. 91-10

For a Construction Permit for  
A New FM Station  
Baldwin, Florida

To: Administrative Law Judge  
Edward Luton

**MASS MEDIA BUREAU'S COMMENTS ON SUPPLEMENT TO JOINT PETITION  
FOR APPROVAL OF SETTLEMENT AGREEMENT**

1. On December 4, 1991, Peaches Broadcasting Ltd. ("Peaches"), White Broadcasting Partnership ("White"), Douglas Johnson ("Johnson"), JEM Broadcasting Limited Partnership ("JEM"), and Northeast Florida Broadcasting Corp. ("Northeast Florida") (hereinafter, collectively, "Petitioners"), applicants in the above-captioned proceeding, filed a Supplement to the Joint Petition for Approval of their Settlement Agreement which they filed on November 8, 1991. The Mass Media Bureau submits the following comments.

2. On November 21, 1991, the Bureau filed an Opposition to Petitioners' Joint Petition. We opined therein that Petitioners had failed to comply with Section 73.3525 of the

Commission's Rules because they had not established that the consideration to be paid to dismissing applicants did not exceed legitimate and prudent expenses related to the applications. Petitioners' Supplement describes the applicants' expenses to the extent necessary to show compliance with Section 73.3525.

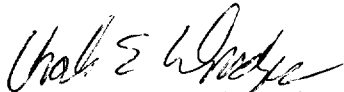
3. Specifically, White has set forth reimbursable legal expenses of \$21,037.50, excluding \$136.50 which appear related to a "Jacksonville application." Together with previously itemized expenses, it has shown that it is entitled to \$32,989.23, which is more than the \$24,500 consideration it will receive. Johnson documents a total of \$23,306.40 in reimbursable expenses, which exceeds its contemplated receipt of \$22,000, even though it excludes \$20 in legal fees related to a Jupiter, Florida application, \$20 in legal fees related to a "Thousand Palms applicant", and various interest payments on account of overdue fees. JEM has established reimbursable expenses of \$34,505, well in excess of the \$25,000 consideration it is due, despite the fact that it has not documented an earlier claimed legal expense to "Ronald Ray Austin" of \$170. Finally, Northeast Florida has shown reimbursable expenses greater than the \$50,000 payment it would receive. In addition to legal expenses of \$1802.50 fully documented in the Joint Petition, the Supplement itemizes legal expenses of \$40,667.41. Northeast Florida has failed to describe engineering fees of \$5,173. Nevertheless, legal expenses plus other expenses previously described add up to \$50,384.41.


4. Accordingly, the Bureau no longer objects to the

Joint Petition for Approval of Settlement Agreement. Moreover, since Peaches is fully qualified to be a Commission licensee, its application can be granted and the proceeding terminated. Pursuant to Order released May 24, 1991 (FCC 91M-1709), Peaches' grant should be conditioned as follows:

Upon receipt of notification from the Federal Communications Commission that harmful interference is being caused by the operation of the licensee's (permittee's) transmitter, the licensee (permittee) shall either immediately reduce the power to the point of no interference, cease operation, or take such immediate corrective action as necessary to eliminate the harmful interference. This condition expires after one year of interference-free operation.

Respectfully submitted,  
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December 13, 1991

CERTIFICATE OF SERVICE

Michelle C. Mebane, a secretary in the Hearing Branch Mass Media Bureau, certifies that she has, on this 13th day of December, 1991, sent by regular United States mail, U.S. Government frank, copies of the foregoing "Mass Media Bureau's Comments on Supplement to Joint Petition for Approval of Settlement Agreement" to:

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